

Docket No.: CL-10191
Application No.: 10/767,066
Amendment Date: February 3, 2006
Reply of Office Action of: October 5, 2005

REMARKS

Claims 1-4 and 7-21 are currently pending in the application. Applicants have canceled claims 5 and 6 and amended claims 1 and 8-21. Applicants request reconsideration of the application in light of the following remarks.

Amendment to the Specification

The specification has been amended based solely on the original disclosure in the written description, and that which is shown in the drawings. For example, the material added clarifies the description of paragraphs starting at lines 11 and 21 of page 7 and other similar paragraphs at other locations throughout the specification in light of the drawing figures. Therefore, no new matter has been added.

Objection to the Claims

The Examiner has objected to claim 18, stating that “the light diffusion part” in line 1 lacks antecedent basis. By a review it became apparent that although the claims were originally prepared from a set having multiple dependency and were thus renumbered, the dependency was not adjusted properly. This inadvertent error has been addressed in the amendment to the claims in which the dependency of the claims has now been corrected. With the corrected dependency, “the light diffusion part” in line 1 of claim 18 now has proper antecedent basis.

Rejections under 35 U.S.C. §102

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Docket No.: CL-10191
Application No.: 10/767,066
Amendment Date: February 3, 2006
Reply of Office Action of: October 5, 2005

Claims 1-6, 9, 12 and 21 were rejected by the Examiner under 35 U.S.C. § 102(b) as being anticipated by Winsor (U.S. Patent Application No. 2002/0117959 A1, hereinafter "Winsor"). Applicants respectfully traverse this rejection and request reconsideration of the claims.

At the outset, Applicants have amended the claim 1 to include a specific location and relation between first electrodes and second electrodes that are not shown in Winsor '959. Therefore the rejection of claim 1 under 35 U.S.C. 102 has been obviated.

Additionally, Applicants point out that the structure of element 20 in Winsor '959 relied upon by the Examiner to reject "partitions" does not provide partitions. Rather, elements 20 are supports substantially at points so that the plasma may pass by the points on any side thereof and may flow other than in a path defined by a channel formed by partitions, contrary to the structure claimed in the present invention. Thus, claim 1 is considered to be patentable for this additional reason.

Claims 2-4, 12, and 21 are considered to be patentable as depending from allowable base claims 1 and 14, and for additional patentable features as may be appreciated by the Examiner. For example, with regard to claims 2-4, the structure of elements 20 is not formed integrally with the back substrate or the front substrate.

Claims 5-6 have been canceled.

Accordingly, Applicants respectfully request that the anticipation rejections of claims 1-6, 9, 12, and 21 be withdrawn.

Rejections under 35 U.S.C. §103

To establish a *prima facie* case of obviousness under 35 U.S.C. §103, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the

Docket No.: CL-10191
Application No.: 10/767,066
Amendment Date: February 3, 2006
Reply of Office Action of: October 5, 2005

art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the cited prior art reference must teach or suggest all of the claim limitations. Furthermore, the suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based upon the Applicants' disclosure. A failure to meet any one of these criteria is a failure to establish a *prima facie* case of obviousness. MPEP §2143.

Claims

Claim 10 was rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Winsor (U.S. Patent Application No. 2002/0117959 A1, hereinafter "Winsor"). Applicants respectfully traverse this rejection and request reconsideration of the claims. In particular, claim 10 is considered to be patentable as depending from allowable claim 1. Furthermore, claim 10 has details that are not shown or taught in the prior art relied upon. The Examiner states that "[i]t would have been an obvious matter of design choice to make the apertures of the electrodes are formed to have sizes decreasing gradually from an inner side of each electrode to an outer side thereof." The Examiner states that the obviousness involves a mere change of size of an element. This is not well taken since there is a progressive changing of sizes across a span of the electrodes. Thus, the structure and function of the overall electrode is different, than would be achieved by a mere change of size of the electrode, for example. Furthermore, an obviousness of design choice rejection may be overcome by showing an advantage that the present invention achieves that is not shown or taught in the prior art. In this case, the prior art fails to show or teach adjusting the distribution of light radiation, (such as to make a more uniform distribution), by varying the sizes of apertures in electrodes, as is done in the present invention. Therefore, the rejection based on obviousness of design choice is in error and should be withdrawn. Applicants request the withdrawal of the rejection of claim 10.

Docket No.: CL-10191
Application No.: 10/767,066
Amendment Date: February 3, 2006
Reply of Office Action of: October 5, 2005

Claims 13, 14, 16, 18 and 19 were rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Winsor (U.S. Patent Application No. 2002/0117959 A1, hereinafter “Winsor”), in view of Masahiro et al. (U.S. Patent Application No. 2003/0034731 A1, hereinafter “Masahiro”). Applicants respectfully traverse this rejection and request reconsideration of the claims.

Claims 13 and 14 have been amended similar to claim 1 to include specific locations and relations of the electrodes that are not shown or taught by either Winsor or Masahiro. Claims 13 and 14 also have recitation of the partitions that is different from what is shown and taught in Winsor and Masahiro. As stated above, the elements 20 of Winsor relied upon as partitions are not partitions, and Masahiro was not relied upon to supply partitions. Furthermore, it should be noted that Masahiro shows lamps 1 and 102 that reside in a backlight unit (BLD) housing, contrary to the housing forming the lamp as is achieved in the present invention. Thus, among other things, any partitions that may be present in Masahiro to not come into “close contact with the front substrate” as now recited. Furthermore, any partitions of Masahiro have a different function from the partitions of the present invention and are considered to be non-analogous. The electrodes shown and taught in Masahiro are not anything like those currently recited in claims 13 and 14. Thus, even if the diffusion part of Masahiro can be combined with Winsor, the combination fails to provide each and every element of claims 13 and 14. Therefore, claims 13 and 14 are considered to be patentable over Winsor and Masahiro, and Applicants respectfully request withdrawal of the rejection of claims 13 and 14 based on 35 U.S.C. 103.

Claims 16, 18, and 19 are considered to be patentable as depending from allowable base claims 13 and 14, and for additional patentable features as may be appreciated by the Examiner. Accordingly, Applicants respectfully request that the rejections of claims 16, 18, and 19 be withdrawn.

Claims 7, 8, 11, 15 and 20 were rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Winsor (U.S. Patent Application No. 2002/0117959 A1, hereinafter

Docket No.: CL-10191
Application No.: 10/767,066
Amendment Date: February 3, 2006
Reply of Office Action of: October 5, 2005

“Winsor”), in view of Winsor (U.S. Patent No. 5,509,841, hereinafter “Winsor ‘841”). Applicants respectfully traverse this rejection and request reconsideration of the claims.

Claims 7 and 8 are considered to be patentable as depending from allowable base claim 1 and for additional details therein, as may be appreciated by the Examiner. In particular, Winsor ‘841 does not have floating electrodes. Contrary to the Examiner’s assertions, there is no showing in the Figures or recitation in column 4, lines 55-59 and column 6, lines 10-32 of electrodes other than primary electrodes 76 and 78.

Claims 11, 15, and 20 are considered to be patentable as depending from allowable base claims 1 and 13, and for additional patentable features therein as may be appreciated by the Examiner. In particular, claim 11 is considered to be additionally patentable for the same reasons set forth in the remarks regarding claim 10 above. With regard to claim 15, the Examiner holds that Winsor ‘841 has a diffusion part 114 shown in Figure 3. However, upon a closer review of the disclosure in Winsor ‘841 at column 6, lines 44-48, it appears that element 114 is a reflecting element and not a diffusing element.

Therefore, Applicants respectfully request withdrawal of the rejections of claims 7, 8, 11, 15, and 20.

Claim 17 was rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Winsor (U.S. Patent Application No. 2002/0117959 A1, hereinafter “Winsor”), in view of Winsor (U.S. Patent No. 5,509,841, hereinafter “Winsor ‘841”) and in further view of Masahiro et al. (U.S. Patent Application No. 2003/0034731 A1, hereinafter “Masahiro”). Applicants respectfully traverse this rejection and request reconsideration of the claims.

Claim 17 is considered to be patentable as depending from allowable base claim 13 and for additional patentable details as may be appreciated by the Examiner. Therefore, Applicants request the rejection of claim 17 be withdrawn.

Docket No.: CL-10191
Application No.: 10/767,066
Amendment Date: February 3, 2006
Reply of Office Action of: October 5, 2005

Regarding Doctrine of Equivalents

Applicants hereby declare that any amendments herein that are not specifically made for the purpose of patentability are made for other purposes, such as clarification, and that no such changes shall be construed as limiting the scope of the claims or the application of the Doctrine of Equivalents.

CONCLUSION

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.


It is requested that a one-month extension of time be granted for the filing of this response, and the appropriate extension filing fee of \$60 is enclosed herewith.

A Supplemental Information Disclosure Statement with the appropriate filing fee of \$180.00 is also enclosed herewith.

If any fees, including extension of time fees or additional claims fees, are due as a result of this response, please charge Deposit Account No. 19-0513. This authorization is intended to act as a constructive petition for an extension of time, should an extension of time be needed as a result of this response. The examiner is invited to telephone the undersigned if this would in any way advance the prosecution of this case.

Respectfully submitted,

Date: February 3, 2006

By 
David E. Allred
Reg. No. 47,254

SCHMEISER, OLSEN & WATTS LLP
18 East University Drive, #101
Mesa, AZ 85201
(480) 655-0073